

**CITY OF GLOUCESTER  
CONSERVATION COMMISSION MINUTES  
WEDNESDAY April 6, 2011 - 7:00 PM**

**CITY HALL, KYROUZ AUDITORIUM  
ROBERT GULLA, CHAIRMAN**

**Members Present:**

Robert Gulla, Chair  
Ann Jo Jackson, Co Chair  
Helen Farr  
Steve Phillips  
Arthur Socolow  
Charles Anderson  
Barry Gradwohl- **Absent**

**Staff:**

Lisa Press, Agent  
Pauline Doody, Recording Clerk

**Items may be heard 15 minutes before their scheduled time.**

**I.** 1-5 minutes, review of amended, updated or final information, status reviews, modifications, signing decisions etc.

28-2126 14 Pond Road

**Ms. Press** stated there were a lot of storm water comments from DEP and it was sent back to engineering for evaluation.

**II. PUBLIC COMMENT – None**

**III MINUTES REVIEW**

The commission reviewed the March 16<sup>th</sup>.

**Motion: To approve the March 16, 2011 minutes.**

**1<sup>st</sup>: Ann Jo Jackson**

**2<sup>nd</sup>: Arthur Socolow**

**Vote: Approved 6-0**

**IV PUBLIC HEARING approximately 7:15 PM**

- A. New- 2 Banjo Way**, Notice of Intent submitted by Kevin Kieler, to replace an existing deck and supports with a sunroom in the buffer to an inland resource area. (Map 215 lot 5).

**Presenter: Kevin Kieler 160 Southbridge St. Auburn Mass**

**Mr. Kieler** stated the project involved moving a section of the existing deck and replace with a sunroom structure. It will be 13' 8"x 19'. It will extend 1' beyond the deck as it is right now. There is 25 feet of yard and the waters edge is well beyond an 100 feet. There will 266 square feet of native vegetation planted on the lot and will be spread around the property. The project also involves the clean up of old debris.

**Commission Comments:**

**Mr. Gulla** stated the Agent suggests 1 to 1 planting because it is a deck being converted to a sunroom.

**Ms. Farr** stated concern regarding the runoff created from the sunroom.

**Mr. Kieler** stated there is drip edge control and gravel.

**Mr. Gulla** stated he wanted to make sure the commission understands the policy of 1-1 mitigation.

**Public Comment: None**

**Conditions: None**

**Motion: Accept the project at 2 Banjo Way submitted by Kevin Kieler, to replace an existing deck and supports with a sunroom in the buffer to an inland resource area. (Map 215 lot 5) as documented.**

**1<sup>st</sup>: Ann Jo Jackson**

**2<sup>nd</sup>: Charles Anderson**

**Vote: Approved 6-0**

**B. New- Magnolia Pier, Shore Road, Request for Determination submitted by the City of Gloucester, Harbormaster, to replace 15 cross braces on public pier. (Map 166).**

**Presenter: Jim Caulkett, Harbormaster, City of Gloucester**

**Mr. Caulkett** stated the need for repair of the Magnolia pier. The work needs to be done to maintain safety and public access.

**Commission Comments:**

**Mr. Anderson** asked if the wood was treated.

**Mr. Caulkett** stated it would be lightly treated wood. ACQ.

**Public Comment: None**

**Motion: Negative Determination for the project at Magnolia Pier, Shore Road, submitted by the City of Gloucester, Harbormaster, to replace 15 cross braces on public pier. (Map 166).**

**1<sup>st</sup>: Ann Jo Jackson**

**2<sup>nd</sup>: Arthur Socolow**

**Vote: Approved**

**C. New - 107 Atlantic Road, Request for Determination submitted by Bass Rocks Ocean Inn Inc., to remove, replace and expand an existing concrete patio. (Map 72 Lot 1).**

**Presenter: Bob Griffen, Griffen Engineering**

**Mr. Griffen** stated improvement will be done to the seaside building. The existing balcony is 7' and will be increased to 10'. The patio below will be increased to the same. A portion of the building is in coastal bank. The work will be 75 feet from top of bank and native species will be planted. A silt fence will surround the work area.

**Commission Comments:**

**Ms. Press** stated that straw waddles should be used instead of the silt fence.

**Conditions:**

- **Straw waddles to be used**

**Public Comment: None**

**Motion: Negative Determination for the project at - 107 Atlantic Road, submitted by Bass Rocks Ocean Inn Inc., to remove, replace and expand an existing concrete patio. (Map 72 Lot 1).**

**1<sup>st</sup>: Arthur Socolow**

**2<sup>nd</sup>: Charles Anderson**

**Vote: Approved 6-0**

**D. New- 190 Hesperus Avenue**, Notice of Intent submitted by Thomas O' Flynn, to enlarge structure, add a garage, driveway, walls and patio and to conduct drainage and landscaping activities in buffer to a coastal resource area. (Map 167 lot 4).

**Applicant has requested a continuance to April 20, 2011.**

**Motion: To continue 190 Hesperus Avenue, Notice of Intent submitted by Thomas O' Flynn, to enlarge structure, add a garage, driveway, walls and patio and to conduct drainage and landscaping activities in buffer to a coastal resource area. (Map 167 lot 4) to April 20, 2011.**

**1<sup>st</sup>: Arthur Socolow**

**2<sup>nd</sup>: Ann Jo Jackson**

**Vote: Approved 6-0**

**V. PUBLIC HEARINGS approximately 8:15 PM**

**A. New- 49 Ye Olde County Way** Notice of Intent submitted by Ronald Pino, to build a garage and reconstruct existing stairs and wooden walkway within Riverfront and the buffer zone coastal resource area. (Map 232, lot 7).

**Presenter: John Judd, Gateway Consultants**

**Mr. Judd** stated this project involves the construction of a new 22x 22 garage and an extension of a the driveway which will be peastone. The entire site is grassed and there is 1600 square feet of mitigation.

There is an existing right of way that goes down to a ramp and float and the stairs are in need of repair. The stairs will not be pressured treated wood. There is no work proposed on the coastal bank and all work would be done by wheel barrow and by hand. It is one day's work.

**Commission Comments:**

**Mr. Phillips** asked for an alternative analysis.

**Mr. Judd** reviewed the alternative analysis provided to the commission.

**Public Comment: None**

**Conditions:**

- **No pressure treated wood to be used for stairs**

**Motion: To accept the project at 49 Ye Olde County Way submitted by Ronald Pino, to build a garage and reconstruct existing stairs and wooden walkway within Riverfront and the buffer zone coastal resource area. (Map 232, lot 7).**

**1<sup>st</sup>: Ann Jo Jackson**

**2<sup>nd</sup>: Charles Anderson**

**Vote: Approved 6-0**

- B. New- 137 Wingaersheek Rd** Notice of Intent submitted by William Thiebault, to build a pool, patio, gazebo, retaining wall and septic upgrade in the buffer zone to a coastal resource area. (Map 260 lot 9).

**Presenter: John Judd, Gateway Consultants**

**Mr. Judd** stated this project involves replacing the septic system, which has been approved by the Board of Health, the installation of patio, pool and 480 square foot gazebo. In starting some mitigation, the asphalt driveway will be removed and the brick pavers. There will be no blasting with the pool construction and erosion control barriers will be in place.

**Commission Comments:**

**Ms. Press** stated any dune restoration and mitigation requires a 3 year commitment. There has already been a large dune violation by this applicant. The violation is on the existing path. It is 10 feet wide and below is 6 feet wide. Vehicles are being driven down the paths onto the beach.

**Mr. Gulla** stated to Mr. Judd that at the next meeting the violation and plantings are to be discussed.

**Public Comment:**

**Tim Allen, 131 Wingaersheek Road**

**Mr. Allen** requested that his property line be marked on the plan.

**Motion: To continue the project at 137 Wingaersheek Rd Notice of Intent submitted by William Thiebault, to build a pool, patio, gazebo, retaining wall and septic upgrade in the buffer zone to a coastal resource area. (Map 260 lot 9) to May 4, 2011 at 7:15.**

**1<sup>st</sup>: Ann Jo Jackson**

**2<sup>nd</sup>: Helen Farr**

**Vote: Approved 6-0**

- C. New-6 Fortune Lane**, Notice of Intent submitted by Stefan and Barbara Abramo to remove seven additional trees in the buffer zone to a coastal resource area. (Map 141 lot 21).

**Presenter: Bill Manuell, Wetlands and Land Management**

**Mr. Manuell** stated this project has been in front of the commission before.

He stated we have found the need to take out more trees for machine access because of the thickness of the vegetation it was difficult to get through when we started this

project, but as the area has been cleared, it has been determined that seven more trees need to come down. The limit of 12 trees have been hit, so work stopped and we are here in front of the commission again. The revised plans summarize the total loss of trees and mitigation. They fall squarely in the footprint of the proposed garage area. None of them are specimen trees. They are contorted & misshapen.

**Commission Comments:**

**Mr Socolow** stated 2-1 mitigation is needed. There would be 38 trees.

**Mr. Gulla** stated there is no room on site for that amount of trees.

**Mr. Manuell** requested that within six months of occupancy, the applicant to come back to the commission with a plan for landscaping.

**Mr. Socolow** asked if the replacement of 19 trees could be considered.

**Mr. Gulla** stated it would be required.

**Ms. Press** stated concern about waiting until after the house is built. She stated all these trees can be mitigated for before an additional 7 come down.

**Mr. Manuell** stated coming back after the project is done makes sense so the owners can see where the best place for the planting will be.

**Mr. Gulla** concurred with Ms. Press and stated this commission will expect a spectacular landscaping plan, and would like to see planting plan as the shell of the building starts to go up.

**Tad Cunningham,**

Mr. Cunningham stated it makes sense to get the shell framed and then a specific landscape plan could be submitted.

**Public Comment: None**

**Conditions:**

- **Planting plan once building is shelled in**
- **Minimum mitigation of 19 trees with potential for more. A size recommendation would be sought out from John Feener**
- **½ inch tree minimum caliper**
- **19-38 trees- number, size & types to be specified by an Certified Arborist**
- **Landscaping plan to be submitted upon completion of the building frame.**

**Motion: To accept the project at 6 Fortune Lane, submitted by Stefan and Barbara Abramo to remove seven additional trees in the buffer zone to a coastal resource area, (Map 141 lot 21) with the amended conditions.**

**1<sup>st</sup>: Ann Jo Jackson**

**2<sup>nd</sup>: Charles Anderson**

**Vote: Approved 5-0-1 Arthur Socolow abstaining.**

**D. New- 12 Wolf Hill Road** Notice of Intent submitted by David McKechnie, to build a porch/addition in the buffer zone to a coastal resource area. (Map 87 lot 17).

**Presenter: Bill Manuell, Wetlands and Land Management**

This project entails adding a 150 square foot porch onto the second floor. The ground impact will be sona tubes supports and hand dug. The post will touch the ground that is currently landscaped. It is a full story in the air. There will be no impact of shading on existing vegetation. Proposed mitigation for the rooftop is 450 square feet of plantings. A landscape plan has been submitted. There are three trees that have experienced damage and the owner would like to replace them.

**Commission Comments:**

**Mr Gulla** asked for the height of the trees.

**Mr. Manuell** stated 16' high approximately.

**Ms. Jackson** stated the trees are ugly but not unstable or diseased.

**Mr. Manuell** stated that when a tree is damaged it becomes a gateway for pests etc.

**Mr. Gulla** stated the tree by the house has potential to damage the home and did not mind that tree being removed, but the other two seemed intact.

**Ms. Farr** stated concern about creating erosion problems with the removal of the trees.

**David McKechnie, 12 Wolf Hill Road.**

**Mr. McKechnie** stated that the tree against the house he had tried to keep but with the last big storm it was ruined. He stated he would like to replace it. The other two trees have been decimated by the last two storms. One tree is broken in several places.

**Mr. Socolow** asked for a compromise by leaving one.

**Public Comment: None**

**Conditions:**

- **Keep the 6/8" Cedar tree**

**Motion: To approve the project at 12 Wolf Hill Road submitted by David McKechnie, to build a porch/addition in the buffer zone to a coastal resource area. (Map 87 lot 17).**

**1<sup>st</sup>: Arthur Socolow**

**2<sup>nd</sup>: Ann Jo Jackson**

**Vote: Approved 6-0**

**VI. PUBLIC HEARINGS approximately 9:15 PM**

**A. Continuation- 28-2125 - Newell Stadium, 26 Centennial Avenue**, Notice of Intent submitted by the City of Gloucester, DPW, to remove and replace athletic field, add additional fill, remove and replace seating and to construct an accessory building in the buffer to inland and coastal resource areas. (Map 4 lot 1)

**Applicant has requested a continuance to May 4, 2011.**

**Motion: To continue 28-2125 - Newell Stadium, 26 Centennial Avenue, Notice of Intent submitted by the City of Gloucester, DPW, to remove and replace athletic field, add additional fill, remove and replace seating and to construct an**

**accessory building in the buffer to inland and coastal resource areas. (Map 4 lot 1) to May 4, 2011.**

**1<sup>st</sup>: Arthur Socolow**

**2<sup>nd</sup>: Charles Anderson**

**Vote: Approved 6-0**

**B. Continuation- 28-2101-31 Stanwood Ave.** Notices of Intent submitted by Gary Litchfield, Litchfield Company, to construct 3 duplex dwellings, driveways, utilities, grading and landscaping in a riverfront resource area. (Map 230 lot 51).

**C. 28-2100 33 Stanwood Ave**

**D. 28-2099 35 Stanwood Ave**

**Presenter: Bill Manuell, Wetlands and Land Management**

**Mr. Manuell** stated that the requested Alternatives Analysis have been done. He reviewed the analysis to the commission and the public. The results in using lots 1,2 & 4, requires 2000 square feet of deforestation versus 0 with the first option.

Our focus from the beginning is to keep everything tight to Stanwood Ave. Option 1 keeps the site compacted. The development is confined to the opened field.

**Commission Comments:**

**Mr. Socolow** asked for options for single family house instead of duplexes.

**Mr. Manuell** stated it was submitted as a cost analysis and it is a loser.

**Mr. Socolow** stated what you are doing on these lots is crowding them to maximize profits for the owner.

**Mr. Manuell** stated the proposal is zoning compliant

**Mr. Gulla** stated the commission must feel comfortable with the Alternative Analysis to date to determine if enough information has been submitted for the next leg of the project. The next leg is to discuss the project as a whole and it is three independent projects.

**Ms. Farr** stated the commission asked for off site alternatives.

**Mr. Manuell** stated that Mr. Jones did suggest that, but we discount any offsite options.

**Ms. Press** stated the applicant has called the project a subdivision, yet it has been filed it as three single family homes. If it is a subdivision, that requires off-site.

**Mr. Manuell** stated it is a subdivision. Once you have a subdivision you do not file it collectively.

**Mr. Socolow** asked for the square feet of each structure.

**Mr. Manuell** stated each building is 2000 square feet.

**Ms. Press** asked Mr. Manuell in other alternative configurations, are you above 10% in all of them?

**Mr. Manuell** stated they would make it work. We have not gotten that far in the mathematics

**Ms. Farr** stated the Alternative analysis for the single families only looked at the numbers.

**Mr. Socolow** stated the pitch is for profit and not environmental.

**Mr. Manuell** stated that when dealing with riverfront regulations you have deal with costs, logistic, impacts, etc.

**Ms. Jackson** asked that if we decided that there is sufficient information. Are we accepting three duplexes or three buildings?

**Mr. Gulla** stated the commission is accepting three duplexes. At this point we have to either ask for more information or approve the alternative analysis.

**Ms. Press** stated that to get to the 10%, the lots were made very skinny using lots of marsh, if 50% of the lot is another resource area, can you subtract that or do you account that for what the 10% is being accounted out of? It is really using up 80% of the non resource area to riverfront because there is overlapping resource areas. The rule is you can't use more than 10%.

**Mr. Manuell** stated that is not how the regulations are written. The riverfront regulations ask you to evaluate riverfront impacts. When a lot is created in the city, you have a certain percentage of the lot as upland area and non wetlands. These are all zoning compliant with respect to upland.

**Mr. Socolow** stated there is too much impact with 3 duplexes in this area. He stated he would like an alternative showing three single family, two duplexes and a single, etc.

**Ms. Press** reminded the commission that the applicant has not bought the land yet.

**Mr. Gulla** polled the commission to get a consensus to see if there is enough information for a vote. Mr. Socolow-No, Ms. Farr- No, Ms. Jackson stated that she has reservations with the alternative analysis, Mr. Anderson stated he believed the project is too big and also believes all the alternatives have been presented, Mr. Gulla stated his concern about the intensity of the project.

**Mr. Gulla** asked the commission to dictate what they want. We would like to see a less impactful plan. It is an important project in a sensitive area.

**Mr. Socolow** requested an alternative that provide less density on the area.

**Mr. Manuell** stated the cost analysis is per lot basis, so the cost information is provided.

**Mr. Gulla** stated last bit of information is the middle ground. Show us the numbers to show us it is non profitable.

**Mr. Gulla** stated are we comfortable with the offsite analysis.

**Mr. Manuell** stated Mr. Jones did review the information, and what he asked for is more detail on the parcels.

**Ms. Press** asked the applicant if Bill Jones could come to the next meeting to help complete the alternative analysis.

**Mr. Gulla** stated the commission would like the right to ask Mr. Jones to come in to clarify the legal matters.

#### **Public Comment:**

**Christine Rass,**

**Ms. Rass** thanked the commission for their attention to the density issue and to the cost analysis for the project. It is important to have to have outside expertise to see if it realistic.

**Motion: To continue this project at 28-2101-31 Stanwood Ave. Notices of Intent submitted by Gary Litchfield, Litchfield Company, to construct 3 duplex dwellings, driveways, utilities, grading and landscaping in a riverfront resource area. (Map 230 lot 51) until applicant comes in to a less dense alternative analysis and another offsite analysis to May 4<sup>th</sup>.**

**C. 28-2100 33 Stanwood Ave**

**D. 28-2099 35 Stanwood Ave**



**1<sup>st</sup>: Arthur Socolow**  
**2<sup>nd</sup>: Ann Jo Jackson**  
**Vote: Approved 5-0-1 Steve Phillips abstaining**

**VII. AS TIME PERMITS: COMMISSION BUSINESS**

**A.** Requests for Letter Permits/Modifications

**VII. AGENT'S REPORT ON VIOLATIONS**

**B.** Requests for Certificates of Compliance

**C.** Requests for Extension Permits

**Attorney Michael Faherty**

Washington Street and Raynard St

**Attorney Faherty** stated DEP permit has been extended to April 2012 asking we are here asking for another one. Everything has been done, it is partially vegetated and there is no activity on the site.

**Mr. Gulla** asked what the hold up was.

**Attorney Faherty** stated time and weather.

**Motion: To approve the extension for one year for local ordinance only.**

**1<sup>st</sup>: Ann Jo Jackson**

**2<sup>nd</sup>: Charles Anderson**

**Vote: Approved 5-0-1 Steve Phillips**

**Motion: To appoint Commissioner Steve Phillip to CPC.**

**1<sup>st</sup>: Arthur Socolow**

**2<sup>nd</sup>: Ann Jo Jackson**

**Vote: Approved 5-0 with Steve Phillips abstaining.**

\*\*\*\* Re-election of Conservation Commission Chair

If you would like additional information regarding the review status of a particular item, please contact the Community Development Conservation Department via e-mail at [mdemick@gloucester-ma.gov](mailto:mdemick@gloucester-ma.gov) or via phone at 978-281-9781.

Additional information can also be obtained on the Conservation Web Page at [www.gloucester-ma.gov](http://www.gloucester-ma.gov) Click Community Development for a link to Conservation.

**Commission Members: If you are unable to attend the meeting, please contact the Community Development office at 978-281-9781 or send Lisa or Marie an e-mail**